

REMARKS

The Patent Office issued an Office Action dated March 16, 2010. In the Office Action, the Patent Office rejected Claims 3, 4, 5, 7, 11, 12, and 13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Patent Office rejected Claims 3, 12, and 13 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office rejected Claim 15 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office rejected under 35 U.S.C. §101 the disclosed invention saying it is inoperative and therefore lacks utility.

In response to the Office Action, Applicants have amended Claim 4 and Claims 3, 5, 12, 13, and 15 have been withdrawn from consideration. Applicants respectfully submit that the amendments to the claims and the explanations below overcome the rejections to the claims. Applicants submit that all of the claims are now in condition for allowance. Notice to that effect is requested.

Applicant notes with appreciation that the Patent Office has allowed Claims 4, 5, 7 and 11. Applicant has elected to withdraw all other claims and allow the claims to issue.

The Patent Office rejected Claims 3, 4, 5, 7, 11, 12, 13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 3, 12 and 13 have been withdrawn Applicant has amended Claim 4 to overcome the rejection to Claims 4 and 5. The rejection is moot in light of the same withdrawal of the claims.

The Patent Office rejected Claims 3, 12, and 13 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office states that the claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 3 calls for each baffle is sized or configured such than a

discharge rate through an outlet remains substantially autonomous of the water depth. The specification clearly fails to enable one skilled in the art to make and/or use the invention as claimed. How is the flow rate autonomous of water depth? This is contrary to fluid mechanics. For example, $Q = AV$, wherein Q is the flow rate, A is the area of opening and V is the velocity. The velocity is directly related to h of water depth. Therefore, the Patent Office states one skilled in the art cannot make and/or use the invention as claimed. It is not clear how the baffle sizing or configuration allows the discharge rate to be autonomous of the water depth. The discharge rate is $Q=AV$, wherein A is the area of opening and V is the velocity.

Claims 3, 12 and 13 have been withdrawn. The rejections is moot in light of the same.

The Patent Office rejected Claim 15 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office states that Claim 15 contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not enable one to make and/or use the invention as claimed. The Patent Office states as an example one is unable to make a riser that has openings sized or positioned such that a discharge rate through a outlet is controlled and complete settlement of suspended sediments is achieved.

Claim 15 has been withdrawn. The rejections is moot in light of the same.

The Patent Office rejected the disclosed invention saying it is inoperative and therefore lacks utility under 35 U.S.C. §101. The Patent Office states that Claim 3 calls for each baffle is sized or configured such than a discharge rate through an outlet remains autonomous of the water depth. The specification clearly fails to enable one skilled in the art to make and/or use the invention as claimed. How is the flow rate autonomous to the water depth? This is contrary to fluid mechanics. For example, $Q = AV$, wherein Q is the flow rate, A is the area of opening and V is the velocity. The velocity is directly related to h or water depth. Therefore, the Patent Office states one skilled in the art cannot make and/or use the invention as claimed. It is not clear how the baffle sizing or configuration allows the discharge rate to be autonomous of the water depth. The discharge rate is $Q=AV$, wherein A is the area of opening and V is the velocity.

The Patent Office states that Claim 12 calls for each baffle is sized or configured such than a discharge rate through an outlet remains substantially independent of the water depth. The

specification clearly fails to enable one skilled in the art to make and/or use the invention as claimed. How is the flow rate independent of the water depth? This is contrary to fluid mechanics. For example, $Q = AV$, wherein Q is the flow rate, A is the area of opening and V is the velocity. The velocity is directly related to h of water depth. Therefore, the Patent Office states one skilled in the art cannot make and/or use the invention as claimed. It is not clear how the baffle sizing or configuration allows the discharge rate to be independent of the water depth. The discharge rate is $Q=AV$, wherein A is the area of opening and V is the velocity.

The Patent Office states that Claim 13 calls for the discharge riser to having openings sized or position such that a discharge flow rate through a outlet remains substantially independent of the water depth. The specification clearly fails to enable one skilled in the art to make and/or use the invention as claimed. How is the flow rate independent of the water depth? This is contrary to fluid mechanics. For example, $Q = AV$, wherein Q is the flow rate, A is the area of opening and V is the velocity. The velocity is directly related to h of the water depth. Therefore, the Patent Office states one skilled in the art cannot make and/or use the invention as claimed. It is unclear how to make and/or use a discharge riser having openings sized or positioned such that a discharge flow rate through an outlet remains substantially independent of the water depth.

Claims 3, 12 and 13 have been withdrawn. The rejections is moot in light of the same.

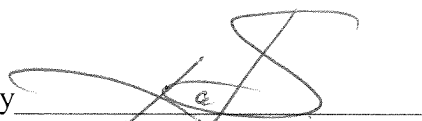
Claims 5, 7, 11-13 depend from Claim 4. These claims are further believed allowable for the same reasons set forth with respect to independent Claims 3, 4 and 15 since each sets forth additional novel steps of Applicant's Drainage Management Systems and Methods.

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,
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